

JUDGE SEIBEL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHANA FRIEDMAN KATZ

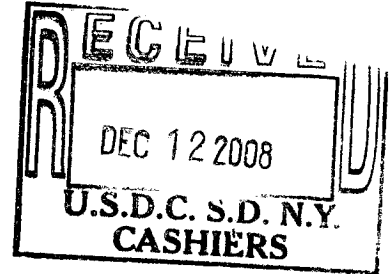
COMPLAINT

Plaintiff,

-against-

BNA FINANCIAL SERVICES, INC.

Defendant.



**COMPLAINT FOR VIOLATIONS
OF THE FAIR DEBT COLLECTION PRACTICES ACT**

Plaintiff Chana Friedman Katz by and through her attorney, Kleinman LLC, files this complaint against defendant BNA Financial Services, Inc. for its violations of the Fair Debt Collection Practices Act.

Introduction

1. This action seeks redress for the illegal practices of Defendant, BNA Financial Services, Inc., concerning the collection of debt, in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA").

Jurisdiction and Venue

2. This Court has Federal question jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue is proper in this District because the acts and transactions that give rise to this occurred, in substantial part, in this District. Additionally Plaintiff resides in this District and the Defendant transacts business here.

4. Chana Friedman Katz is a citizen of the State of New York, Rockland County who resides in this District.

5. Chana Friedman Katz is a “Consumer” as that term is defined by § 1692(a)(3) of the FDCPA in that the alleged debt that the Defendant, BNA, sought to collect from her is a consumer debt, purportedly owed to Good Samaritan Hospital.

6. Upon information and belief, Defendant BNA is an active Tennessee Corporation. Its Registered Agent is John Hyde, 9301 Coxboro Drive, Brentwood, TN 37027.

7. Defendant, BNA is regularly engaged in the collection of debts allegedly owed by consumers.

8. Defendant, BNA is a “Debt Collector” as that term is defined by § 1692(a)(6) of the FDCPA.

9. On or about May 29, 2008, plaintiff received a mass produced computer generated collection letter demanding payment of a \$7455.44 purportedly owed to Good Samaritan. **Exhibit A.**

10. On or about June 30, 2008 a letter was sent to defendant disputing the debt and requested verification of the disputed debt. **Exhibit B.**

11. On June 30, 2008, Defendant dunned Ms. Friedman Katz prior to providing verification of the disputed debt **Exhibit C.**

AS AND FOR A FIRST CAUSE OF ACTION

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

14. Plaintiff realleges and incorporates herein by reference, all the foregoing paragraphs as if set forth fully herein.

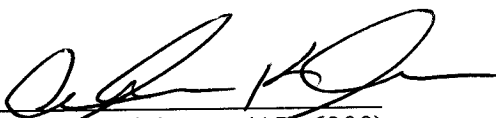
15. Upon information and belief, the May 29, 2008 collection letter is a form letter sent by Defendant to the Plaintiff.

16. Collection letters, such as those sent by Defendant, are to be evaluated by the objective standard of the hypothetical "least sophisticated consumer."
17. Defendant's letter violated 1692g(b), by attempting to collect a timely disputed debt prior to providing the consumer with verification of the debt.
18. Defendant's violated the FDCPA. Defendant's violations include, but are not limited to violating 15 U.S.C. § 1692g(b) by attempting to collect a disputed debt prior to providing verification of the debt.

WHEREFORE, the plaintiff requests that this Court grant the following relief in their favor, against BNA as follows:

- a) The maximum statutory damages provided by section 1692k of the FDCPA against defendant;
- b) Attorney's fees, litigation expenses and costs;
- c) Any other relief that this Court deems just and proper.

Dated: Uniondale, New York
December 2, 2008


Abraham Kleinman (AK-6300)
KLEINMAN LLC
626 RexCorp Plaza
Uniondale, New York 11556-0626
Telephone (516) 522-2621
Facsimile (888) 522-1692

Plaintiff requests trial by jury on all issues so triable.

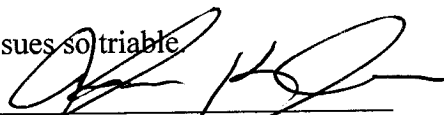

Abraham Kleinman (AK-6300)

EXHIBIT A

**BNA FINANCIAL BUREAU, INC.**

8000 Safari Dr ♦ Smyrna TN 37167-6605
 (615) 836-0100 or Toll Free (800) 727-3032

May 29, 2008
 Account Number: 8948952
 Creditor: Good Samaritan

Account Number	Patient Name	Balance
8948952	Friedman Katz Chana	7455.44
Total Amount Due:		\$7455.44

Your past due account has been placed with this collection agency. If you are aware of any reason for non payment of this amount, or you need to arrange a satisfactory settlement, please call us at 800-727-3032. If we do not hear from you, we will expect the balance promptly. Should you have already paid this balance, please disregard this letter.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

This is a communication from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose. This collection agency is licensed by the collection service board, state department of commerce and insurance, 500 James Robertson Parkway, Nashville, TN 37243.

California residents please see reverse for important information

If you wish to pay by VISA or MasterCard, fill in the information below and return the entire letter to us.

The 3 digit ID Number is located on the reverse side of your credit card



Account Number	*ID Number	Payment Amount	Expiration Date
	- -	\$	/

Card Holder Name

Signature of Card Holder

Date

Detach Lower Portion And Return With Payment

VONBNAF01206

PO Box 899
 Smyrna TN 37167-0899
 RETURN SERVICE REQUESTED



BNA FINANCIAL BUREAU, INC.
 (615) 836-0100 or Toll Free (800) 727-3032

May 29, 2008

1920692-206 0158015 018940192



Chana Friedman Katz
 85 Highview Rd
 Suffern NY 10901-4017

PLEASE MAKE YOUR CHECKS PAYABLE TO:
 GOOD SAMARITAN
 Lockbox #404310
 Atlanta Ga 30384-4310

Total Amount Due: \$7455.44

Account #: 8948952

Patient: Friedman Katz Chana

Amount Enclosed \$

Exhibit B

Chana Friedman Katz
85 Highview Road
Suffern, NY 10901

June 28, 2008

Via Facsimile to 615-836-0106
BNA Financial Bureau, Inc.
8000 Safari Drive
Smyrna, TN 37167

Your Account # 8948952
Your Client Name: Good Samaritan
Disputed Balance: \$7,455.44

Dear BNY Financial Bureau, Inc.,

Please be advised that I dispute the assertion that I owe \$7,455.44 to Good Samaritan.
Please send me verification of this disputed debt. Please send me the address of the
original creditor.

Thank you,

Chana Friedman Katz

Exhibit C

**BNA FINANCIAL BUREAU, INC.**8010 Safari Dr ♦ Smyrna TN 37167-6605
(615) 836-0100 or Toll Free (800) 727-3032

October 2, 2008

Creditor: Good Samaritan

Amount Due: \$7455.44

Account Number	Patient Name	Balance
8948952	Katz Chana Friedman	7455.44
Total Amount Due:		\$7455.44

*****NOTICE OF INTENTION*****

The amount shown remains unpaid and we can only assume you do not intend to pay.

Our obligation is to inform you what we intend to do, which is:

Demand is hereby made upon you for payment of the amount due. We are still willing to discuss alternatives to immediate payment in full, such as an installment payment plan, but we cannot do so without a reply from you.

If we do not hear from you, we will recommend the necessary steps in order to collect the debt to our client. Payment within seven days will prevent further contact. Please reply immediately to advise us on your intentions.

This is a communication from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose. This collection agency is licensed by the collection service board, state department of commerce and insurance, 500 James Robertson Parkway, Nashville, TN 37243.

If you wish to pay by VISA or MasterCard, fill in the information below and return the entire letter to us.

The 3 digit ID Number is located on the reverse side of your credit card



Account Number	*ID Number	Payment Amount	Expiration Date
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Card Holder Name

Signature of Card Holder

Date

Detach Lower Portion And Return With Payment

UONBNAR01207

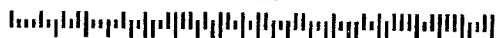
PO Box 899
Smyrna TN 37167-0899
RETURN SERVICE REQUESTED

**BNA FINANCIAL BUREAU, INC.**

(615) 836-0100 or Toll Free (800) 727-3032

October 2, 2008

1920692-207 072594445



Chana Friedman Katz
85 Highview Rd
Suffern NY 10901-4017

PLEASE MAKE YOUR CHECKS PAYABLE TO:

Good Samaritan
Lockbox #404310
Atlanta Ga 30384-4310

Creditor Acct #: 8948952
Creditor: Good Samaritan
Amount Due: \$7455.44
Patient Name: Katz Chana Friedman